

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA,	:	CASE NO. 3:20-CR-148 (TMR)
	:	
v.	:	PROTECTIVE ORDER GOVERNING
	:	DISCOVERY
MARK ANDERSON,	:	
	:	
Defendant.	:	

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WHEREAS, the government will provide information and material to the defendant in the course of this case (“Discovery Information”), which includes reports, photographs, audio/video recordings, search and seizure warrants, writings, financial records, toll records, telephone downloads or other discovery materials relating to the case;

AND WHEREAS, the parties agree that the government has a compelling interest in preventing the Discovery Information from being disclosed to anyone not a party to these judicial proceedings because such material may such material may implicate the privacy interests of the defendant and third parties and includes information relevant to ongoing investigations and prosecutions, and;

AND WHEREAS, the parties further agree that the Court has the authority under Fed. R. Crim. P. 16(d)(1) and 26.2 to grant appropriate relief to the parties where required in the interests of justice;

IT IS HEREBY STIPULATED that:

1. Discovery Information shall not be disseminated by the defendant, or defendant’s counsel of record, to any individuals, organizations, or other entities, other than: (i) members of

the defendant's defense team (co-counsel, paralegals, investigators, translators, litigation support personnel, the defendant's (subject to paragraph 4, below), appellate and post-conviction counsel, and other defense staff); (ii) experts retained to assist in the preparation of the defense; and (iii) with respect to any individuals, organizations, or other entities not covered in subsections (i) and (ii) of this paragraph, with the express concurrence of the government.<sup>1</sup>

2. Defense counsel shall advise any person to whom the Discovery Information is disclosed in accordance with this Protective Order that further disclosure, or dissemination, is prohibited without the defense counsel's express consent, and any disclosure, or dissemination, must comply with the terms of this Protective Order. Each of the individuals to whom disclosure is made pursuant to this provision shall be provided a copy of this Protective Order and must sign the attachment.

3. Discovery Information shall not be given to the defendant to maintain, and if defendant take notes, shall not disperse such notes, or the contents thereof, to anyone other than individuals authorized to review Discovery Information in accordance with this Protective Order.

4. Defense counsel shall store all Discovery Information, and any copies thereof, in a secure place at all times.

5. Discovery Information that is the property of the government at the time of dissemination remains the property of the government notwithstanding the dissemination. At the conclusion of this case, all Discovery Information that is the property of the government shall be returned to the government or, with the consent of the government, destroyed. The conclusion of

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<sup>1</sup> "Disseminated" means to have provided, showed, or described to another individual any Discovery Information, including parts thereof, quotations, excerpts, and summaries derived therefrom.

the case shall be when the judgment of conviction (or other case-concluding judgment) becomes final (such finality to be determined in consistent fashion as with respect to 28 U.S.C.

§ 2255(f)(1)).

6. Nothing in this Protective Order shall preclude the government, or the defendant, from seeking additional protective orders pursuant to Rule 16(d), or other rules or statutes, as to particular items of discovery. This Protective Order is entered without prejudice to either party's right to seek a revision of the Order by appropriate motion to the Court.

**SO STIPULATED.**

VIPAL J. PATEL  
Acting United States Attorney

DATED: 4/1/2021

s/Amy M. Smith  
Amy M. Smith  
Elizabeth R. Rabe  
Assistant United States Attorneys

s/Mathew J. Lombard  
Matthew J. Lombard  
Attorney for Defendant

**SO ORDERED.**

DATED: 4/2/21

  
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HON. THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE

Appendix A

**ACKNOWLEDGMENT**

The undersigned hereby acknowledges that he/she has read the Protective Order entered in the United States District Court for the Southern District of Ohio in the case *United States v. Mark Anderson*, Criminal No. 3:20-cr-148. The undersigned individual understands the terms of the Protective Order and agrees to be bound by each of those terms. Specifically, and without limitation, the undersigned individual agrees not to use, or disclose, any information or material made available to him or her other than in strict compliance with the Protective Order. The undersigned individual acknowledges that his or her duties under the Protective Order shall survive the termination of this case and the terms permanently remain binding on the individual. The individual's failure to comply with the terms of the Protective Order may result in the imposition of sanctions by the Court.

DATED: \_\_\_\_\_

BY:

\_\_\_\_\_  
(type or print name)

SIGNED:

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